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AUTHOR Sturm, H. Pepper
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ABSTRACT

This paper describes Nevada's public education policy structure and the responsibilities of various administrative and legislative bodies, including the Nevada State legislature, the governor, the State Board of Education, the superintendent of public instruction, the State Department of Education; the Commission on Professional Standards in Education, the School District Boards of Trustees, school districts, and public schools. The paper also discusses governance issues regarding school-based management, charter schools, and school choice. The basic policy structure of Nevada's system of educational governance follows fairly traditional lines, being one of the more decentralized states in terms of regulatory authority. However, several groups that shape education policy are not referenced in state law: students and their parents, various businesses, parent coalitions, the Nevada Association of School Boards, the Nevada Association of School Administrators, and the Nevada State Education Association. The interactions among governors, chief state school officers, state boards of education, and legislatures are receiving increasing attention from those involved in shaping education policy. The biggest challenge facing state policymakers lies with defining priorities and reaching consensus. Contains one figure and 72 endnotes. The appendix lists education-governance structures in the 50 states. (LMI)

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PUBLIC EDUCATION POLICY STRUCTURE IN NEVADA

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PUBLIC EDUCATION POLICY STRUCTURE IN NEVADA

H. Pepper Sturm, Chief Principal Research Analyst
Research Division
Legislative Counsel Bureau

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PUBLIC EDUCATION POLICY STRUCTURE IN NEVADA

INTRODUCTION

It is often stated that education in the United States is a federal concern, a state responsibility, and conducted with local control. In this respect, it is a unique form of governance among the nations of the world--decentralized yet having broad variations of control among the states.

In practice, however, the control issue is not that clearly defined. As late as the 1930s, it could be argued that education was clearly a local matter considering that it was in the hands of some 127,000 local school boards. By 1987, however, there were 15,427 operating school districts. The fiscal balance of support for schools has shifted from the local property tax to state funding. Nationally, the states provide an average of 48.9 percent of the costs; communities, 44.8 percent; and the Federal Government, 6.2 percent.[1] School finance experts tend to describe governance of schools as ranging from low-control to high-control states, with the amount of control correlating with the percentage of state funding.

Within the past 25 years, state control over education has gone through two major nationwide policy shifts. The first, beginning in the late 1960s, started with federal funding to improve the governance ability of state education departments (the old Title V of the Elementary and Secondary Education Act). During that period, school finance litigation in many states shifted the financial burden to the state level in order to equalize spending.

The second policy shift is very recent, resulting from greater involvement of governors and state legislators in mandating change and accountability. The policy change began with the state competency testing movement, then grew into standard-setting and a search for innovative answers to education issues. State policy leaders may be entering a new phase, showing a willingness to ease further regulation if student achievement improves through site-based programs. It is conceded, generally, that local leadership has been left out of the current reform movement except to react once legislation and/or regulations already are adopted.

While business leadership is not part of the governance structure, it is becoming an important influence on it. Business and industry has always played a role in setting priorities for education, since the creation of the first major federal role in precollegiate education--the vocational education programs initiated in 1917.

In addition, business and industry leaders have participated in all of the reform reports released in the last 10 years; produced some of their own studies; and influenced policy by lobbying at federal and state levels and supporting changes through various business-supported foundations. Although a cohesive view has not yet emerged, the overall business opinion seems to be that schooling must produce graduates more literate than those in recent years. Schools must also be more successful with the at-risk student population and generally prepare young people for a globally-competitive economy.

PUBLIC EDUCATION POLICY STRUCTURE IN NEVADA

According to a recent report by the Education Commission of the States, Nevada follows a basic structural model for its system of education governance that is shared by eight other states; that is, the state board of education is elected by the citizenry and the board itself appoints the chief state school officer. Appendix A lists the governance structure in all 50 states. While 44 states conformed to one of four basic models in 1986, by 1993 only 37 states could be so categorized. A number of states had adopted unique structures, many in response to comprehensive government reorganizations.[2]

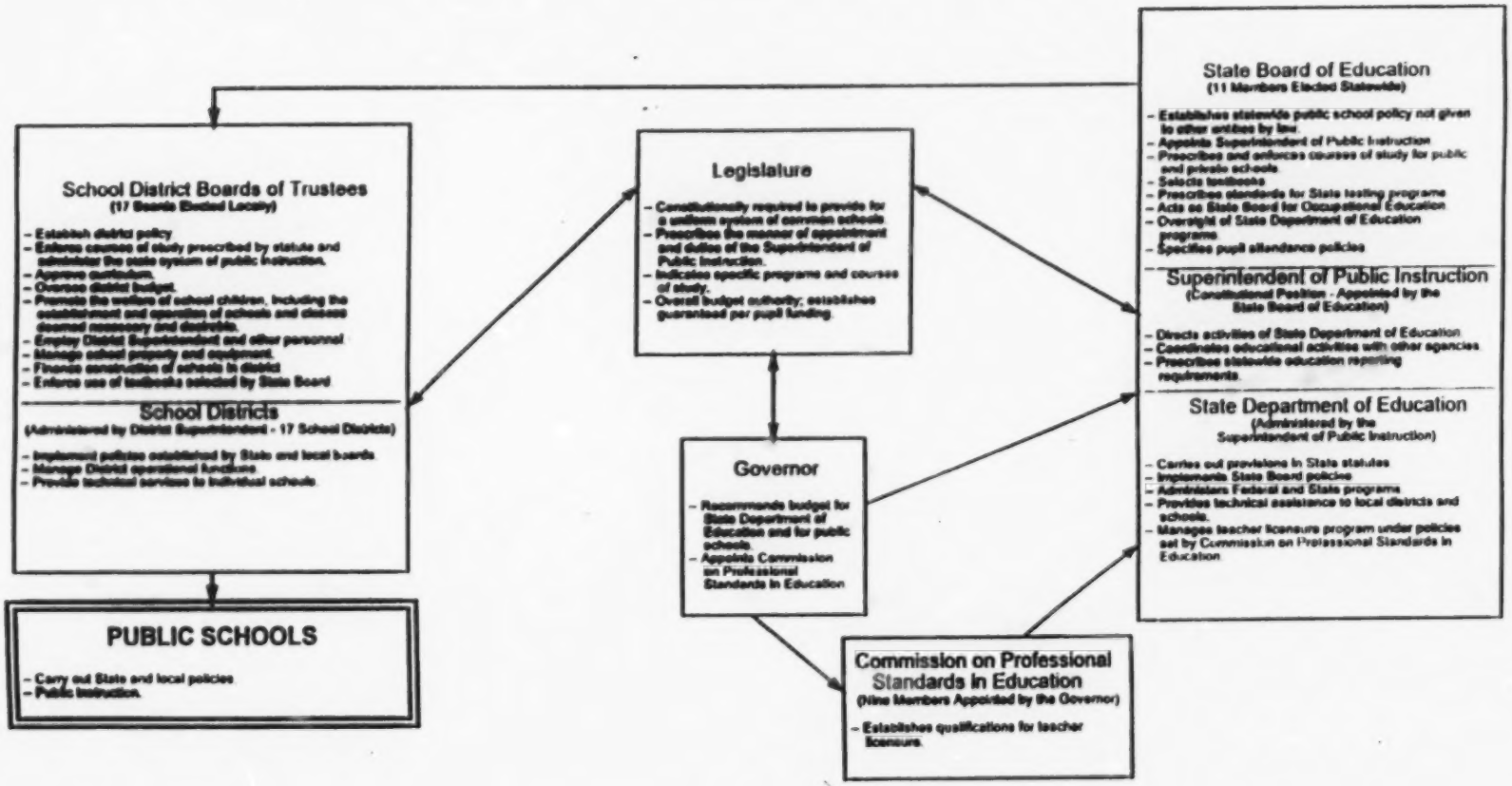
In Nevada, a number of entities are involved in setting education policy. The entities described in the following section have been given specific policy roles within the public education structure through the *Nevada Constitution* and the *Nevada Revised Statutes* (NRS)--see Figure No. 1 for a "flow chart" representation of this structure. It should be recognized, however, that there are other groups involved in shaping education policy in this state, including pupils and their parents; business groups; the Nevada Parent Teachers Association (PTA); and the Nevada State Education Association (NSEA) among others.

Nevada Legislature

In general, the Nevada Legislature has four primary responsibilities for public education.

- Providing for a uniform system of common schools;
- Prescribing the manner of appointment and duties of the Superintendent of Public Instruction;
- Indicating specific programs and courses of study; and
- Maintaining overall budget authority and establishing guaranteed per pupil funding.

POLICY STRUCTURE FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION IN NEVADA


State Board of Education
(11 Members Elected Statewide)
– Establishes statewide public school policy not given to other entities by law.
– Appoints Superintendent of Public Instruction
– Prescribes and enforces courses of study for public and private schools.
– Selects textbooks
– Prescribes standards for State testing programs
– Acts as State Board for Occupational Education
– Oversight of State Department of Education programs
– Specifies pupil attendance policies
Superintendent of Public Instruction
(Constitutional Position - Appointed by the State Board of Education)
– Directs activities of State Department of Education
– Coordinates educational activities with other agencies
– Prescribes statewide education reporting requirements.
State Department of Education
(Administered by the Superintendent of Public Instruction)
– Carries out provisions in State statutes
– Implements State Board policies
– Administers Federal and State programs
– Provides technical assistance to local districts and schools.
– Manages teacher licensure program under policies set by Commission on Professional Standards in Education
Legislature
– Constitutionally required to provide for a uniform system of common schools
– Prescribes the manner of appointment and duties of the Superintendent of Public Instruction.
– Indicates specific programs and courses of study.
– Overall budget authority; establishes guaranteed per pupil funding
Governor
– Recommends budget for State Department of Education and for public schools.
– Appoints Commission on Professional Standards in Education
Commission on Professional Standards in Education
(Nine Members Appointed by the Governor)
– Establishes qualifications for teacher licensure.
School District Boards of Trustees
(17 Boards Elected Locally)
– Establish district policy
– Enforce courses of study prescribed by statute and administer the state system of public instruction.
– Approve curriculum.
– Oversee district budget.
– Promote the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable.
– Employ District Superintendent and other personnel
– Manage school property and equipment.
– Finance construction of schools in district
– Enforce use of textbooks selected by State Board
School Districts
(Administered by District Superintendent - 17 School Districts)
– Implement policies established by State and local boards
– Manage District operational functions
– Provide technical services to individual schools
PUBLIC SCHOOLS
– Carry out State and local policies
– Public instruction.

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Unlike the *United States Constitution*, which is silent regarding education, all state constitutions authorize the state legislature to provide for a system of public schools. In Mississippi, this authority is discretionary, but in every other state, the constitution places a mandatory duty upon the legislature. These constitutional obligations often require state legislatures to establish a "thorough and efficient," "uniform," or "adequate" system. The *Nevada Constitution* requires that:

> The legislature shall provide for a uniform system of common schools * * *[3]

While legislatures cannot delegate their lawmaking powers to subordinate agencies, they can delegate to their respective state boards of education and local school boards the authority to develop educational policies within legislative guidelines. States vary greatly regarding the degree of policy-making authority delegated, but recently a number of state legislatures, including Nevada's, have become more assertive in enacting statutes that specify detailed mandates for public schools.

Over the years, the Nevada Legislature has adopted a body of law within the NRS (Title 34) regarding the system of public schools. Chapter 385 of NRS makes a specific reference to legislative intent concerning local control:

> The legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this Title are intended to reserve to the boards of trustees of local school districts within the state such rights and powers as are necessary to maintain control of the education of children within their respective districts. These rights and powers shall only be limited by other specific provisions of law.[4]

Other sections of Title 34 specify local administrative organization; financial support of the school system; the system of public instruction; courses of study; textbooks; personnel; pupils; school property; and the education of pupils with disabilities.

During its biennial sessions, the Legislature acts upon numerous policy and fiscal measures dealing with public education. The two standing committees dealing with policy matters are the Senate Committee on Human Resources and Facilities and the Assembly Committee on Education. Bills requiring substantive funding are processed by the two appropriations committees–the Senate Committee on Finance and the Assembly Committee on Ways and Means. During the interim period between legislative sessions, fiscal matters are processed by the Interim Finance Committee (IFC);[5] specific policy issues may be discussed in interim study subcommittees appointed by the Legislative Commission.[6]

Governor

The Governor of Nevada affects the system of public education in two principal areas. The Governor:

- Recommends the budget for the State Department of Education and for public schools; and

- Appoints the members of the Commission on Professional Standards in Education.

As the Chief Executive of Nevada's Executive Branch, the Governor is responsible for submitting a budget to the Legislature, which includes spending recommendations for public education.[7] In addition, the Governor appoints the members of the Commission on Professional Standards in Education.[8] This body (described later in this section) establishes policy concerning teacher licensure.

State Board of Education

The role played by a state's board of education is pivotal in the policy realm. Although the manner of selecting board members may vary among the states (as does the relationship between the boards and the chief state school officers), the policy role of a state's board of education is nearly identical in each state.

Other States

State boards of education were first established in the early 1800s. By 1900, 28 states had such boards, and by 1973, 49 states had this form of governance (Wisconsin remains the only state without a board of education). In general, state boards of education are legal administrative bodies with some quasi-legislative or quasi-judicial authority. They usually adopt rules and regulations and formulate policies that supplement those prescribed by the state legislatures, and they often serve as the final step in the administrative appeals process for education disputes.

In 26 states (including Nevada), state boards of education have the authority to appoint the chief state school officer (CSSO). State boards function immediately below the state legislature in the hierarchy of education governance and are empowered to make policy within parameters established by the legislature. Nevada is one of 13 states in which board members are elected; in 33 states, all board members are appointed, typically by the governor.[9] In the remaining three states, board members are partly elected and partly appointed.

Nevada

Nevada's State Board of Education (SBOE or Board) consists of 11 members chosen statewide in non-partisan elections. For the purposes of electing members to the Board, the Legislature divided the State into three districts: District 1 (mostly Washoe County) elects two members; District 2 (mostly Clark County) elects seven members; and District 3 (the remaining portion of the State) elects two members. The term of office is 4 years, and vacancies are filled by the Governor until the next General Election. Members may not be elected to office more than three times.[10] Board meetings are subject to the Nevada Open Meeting Law[11] with compensation set at no more than $80 per day for attendance, as established by the Board.[12]

In addition to the general authority to regulate its own activities, the SBOE has certain legal powers with regard to setting education policy. The Board:

- Establishes statewide public school policy not delegated to other entities by law;[13]
- Appoints the Superintendent of Public Instruction;[14]
- Prescribes and enforces courses of study for public and private schools;[15]
- Maintains the authority to suspend or revoke a teaching license for cause;[16]
- Selects textbooks;[17]
- Establishes standards for the approval of programs for the education of teachers which are accredited by the National Council of Accreditation of Teacher Education;[18]
- Prescribes standards for state testing programs;[19]
- Acts as the State Board for Occupational Education;[20]
- Provides oversight for the State Department of Education (SDOE or Department) programs;[21] and
- Specifies pupil attendance policies.[22]

Finally, the Board is also granted specific authority to establish a higher education student loan program; form a nonprofit corporation for the acquisition of money for educational purposes; and prescribe regulations for state and local education entities under which contracts are to be made with federal agencies.[23]

Superintendent of Public Instruction

Nevada, as with all other states, provides for an administrative head of its system of public schools. The position is referred to as the CSSO, with Nevada and most other states assigning the title of "Superintendent of Public Instruction" to this office. Although the exact role of a state's superintendent of public instruction varies, most are granted similar responsibilities and authority.

Other States

Typically, the CSSO is responsible for the general supervision of the state's public school system, heads the state's department of education, and directs the activities of the professional staff in regulating and supporting the state's public schools. In some states (including Nevada[24]), the CSSO may have a role in adjudicating education controversies in the administrative appeals process.

The CSSO also may have some legislative or quasi-legislative functions, if such responsibilities have not been delegated by the legislature to the state's board of education. Many CSSOs are authorized to propose, or find sponsors for, specific pieces of legislation. The CSSO usually sets the agenda for the state's department of education; the department, under the CSSO's leadership, conducts research and provides data to assist the board in its policy-making function. By proposing legislation, setting the department's agenda, and controlling information supplied by the department, the CSSO can influence what issues are considered by the state legislature and the board.[25]

Nevada

In this state, the *Nevada Constitution* establishes the position of Superintendent of Public Instruction and requires the Legislature to prescribe, by statute, the manner of appointment, term of office, and duties of the position.[26]

The Legislature, in turn, enacts statutes specifying that the Superintendent be appointed by the SBOE for a 3-year renewal term (in the unclassified service of the State); further, the Board is authorized to fill any vacancies occurring within that office.[27] To be qualified, the appointee must be at least 21 years of age, and must hold a master's degree in education or school administration. Once the appointment is accepted, the Superintendent is prohibited from holding any other office for profit or pursuing other business ventures without the approval of the Board.[28]

The Superintendent is the executive head of the SDOE and serves as the secretary to the State Board of Education.[29] In general, the Superintendent performs duties to promote the profession of teaching, including consultation activities with local education leaders and conducting education conferences within Nevada. Major policy activities of the Superintendent include:

- Directing the activities of SDOE;[30]
- Issuing licenses to teachers;[31]
- Coordinating educational activities with other agencies;[32] and
- Prescribing statewide education reporting requirements.[33]

In addition, as the executive head of the department, the Superintendent has the authority to apportion payment of education funds from the State's Distributive School Account (DSA) and to withhold payment of these funds to school districts that do not comply with state law, including constitutional prohibitions against sectarian instruction.[34]

State Department of Education

The SDOE is the administrative arm of the SBOE. While the Board maintains a policy role, the Department is responsible for carrying out the provisions of state statutes, implementing Board policies, and administering federal and state educational programs. The Department's chief executive officer is the Superintendent of Public Instruction. As noted in the previous section, the duties of this officer include recommending and implementing Board policy, supervising certain aspects of K-12 education in Nevada, developing proposed legislation, and directing departmental activities.

The Department, as an agency, fulfills five major policy roles, including:

- Carrying out provisions in state statutes;
- Implementing Board policies;
- Administrating federal and state programs;
- Providing technical assistance to local districts and schools; and
- Managing the teacher licensure program under policies set by the Commission on Professional Standards in Education.

The nine branches within the SDOE provide consultation, technical services, and leadership to the State's 17 school districts for improvement of administration and instruction of public education, as follows:

- The Nutrition Education Program administers a variety of federally-funded breakfast, lunch, and nutrition education programs for Nevada's schools.

- The Elementary and Secondary Education Branch provides curriculum consultation, technical assistance, and training to education personnel in the State and administers certain grants-in-aid.

- The Federal and Related Programs Branch manages federal grants-in-aid to local school districts and other eligible entities. This branch is responsible for approving applications, monitoring approved projects for compliance with federal laws and regulations, and providing technical assistance and guidance in relation to federal requirements.

- The Administrative and Fiscal Services Branch manages the Department's budget, reviews audited reports from the districts, and manages the DSA.

- The Occupational and Continuing Education Branch provides technical assistance and training and supervises programs that accomplish the objectives in the "Nevada State Plan for Occupational Education."

- The Planning, Research, and Evaluation Branch conducts various research projects and administers the Nevada Proficiency Examination Program, the Nevada Competency Testing Program for Educational Personnel, the Occupational Research Unit, and the National Cooperation Statistics Program.

- The Special Education Branch: (1) provides technical assistance and training; and (2) manages both federal and state mandated programs for special education.

- The Teacher Licensure Branch manages the licensing of all K-12 education personnel in the State within the policy directives of the Commission on Professional Standards in Education. The Commission is a separate, independent board appointed by the Governor, which receives administrative support through the SDOE.

As of January 1994, the Department was comprised of 89 full-time staff. Seventy-two percent of the staff were fully- or partially-supported by federal funds, and 28 percent were state-supported.

Commission on Professional Standards in Education

The Commission for Professional Standards in Education was created by the 1979 Legislature to serve in an advisory capacity to the SBOE. During that time, the body made recommendations concerning teacher licensing matters to the Board.

In 1987, the Legislature established the Commission permanently within statute, and transferred to it the SDOE's responsibility for establishing licensing standards.[35] The Commission consists of nine members appointed by the Governor. Four members must be teachers (from elementary, middle, secondary, and special education classrooms); two must be school administrators (at least one must be a principal); one member must be a school counselor or psychologist; one of the teachers, counselors, or administrators must be employed by a private school; one member must be a representative of the general public; and the final member must be one of the two deans from the Colleges of Education within the University and Community College System of Nevada (UCCSN). The term of office is set at 3 years (with the exception of the university dean) and no member may serve more than two terms. As with most boards and commissions, terms are staggered to allow for continuity with regard to policies and procedures. The SDOE is responsible for providing the staff necessary for the Commission to carry out its duties.

Under current law, the Commission adopts regulations prescribing the qualifications for licensing and relicensing teachers and other educational personnel in this state. It also sets forth the continuing education requirements necessary for teachers to be relicensed. Further, the Commission must establish the educational standards needed for teachers to obtain specialty endorsements to their licenses.[36]

As a control mechanism, the State Board of Education may choose to reject a regulation made by the Commission within 90 days of adoption, if it determines that the regulation would: (1) cause any undue hardship on school districts or educational personnel; or (2) threaten the efficient operation of the State.[37] In addition, the SBOE retains the authority to revoke or suspend a license,[38] and the Superintendent of Public Instruction is responsible to issue those licenses.[39] The criteria for licensure and renewal, however, is set within regulations established by the Commission.

School District Boards of Trustees

A number of national trends concerning the role of school boards of trustees have had an impact upon the responsibilities of trustees in Nevada.

Other States

Prior to 1900, school boards in the United States served in an administrative role for the (usually) small school or schools associated with a community or neighborhood.

A reform movement occurred between 1900 and 1920 that changed the board to the role of trustee, substituting the superintendent as chief manager. Local school boards shifted from concentrating on operations to focusing upon policy. Since the late 1960s, local boards have evolved back into politicized boards, becoming increasingly involved in the operations and administration of their school districts.

This blurring of roles between the board and the superintendent makes it difficult to define the locus of accountability for policy and administration at the school district level.[40] This trend toward an administrative role coincides with growth in the average size of the district for which the board is responsible. In addition, state legislatures and state boards of education wield increasing influence in local operational matters. Within this context, school boards are struggling to redefine their role and explore what the concept of "local control" means and what is possible to achieve.

Nevada

Under the authority granted to it by the *Nevada Constitution*, the Legislature established a system of school districts to provide for a mechanism of local control.[41] The Nevada Legislature, in a Special Session held in 1956, made radical changes to the structure of Nevada's public school system with the enactment of Assembly Bill 1.[42] Among other changes, the Legislature eliminated the 208 legally-active local school districts that had existed in Nevada[43] and replaced them with just 17 districts, each of which was coterminous with county boundaries.

Before the passage of A.B. 1, there were 19 school districts in Clark County alone (serving about 11,000 pupils), each governed by its own board of trustees. These districts ranged from the very large Las Vegas Union and Las Vegas High School districts to tiny districts such as Eldorado, Garnet, and Searchlight, which employed only a single teacher. Unfortunately, very little is known about how these districts functioned. The Legislature did not make provisions in A.B. 1 for the records of these districts to be transferred to another agency for preservation.

Under current law, boards of trustees are composed of either five or seven members; districts with more than 1,000 pupils have seven-member boards. The term of office is 4 years, and vacancies are filled by the remaining trustees at a public meeting with the appointee serving until the next General Election. Except in certain circumstances, members of Nevada's 17 local school boards are elected "at large" in each school district.[44] Members may be from a specific zone or precinct within the district, and requirements are made concerning their residency, but the residents of the county vote for all school board candidates.

An exception to this rule is found within NRS 386.200 through 386.225. Under these provisions, a district with less than 25,000 students may choose a precinct-type of election process through the creation of trustee "election districts." However, a school

board which creates these optional districts must specify, by resolution, whether each trustee is to be selected solely by the voters within the special election district or by all other voters within the county school district. As of July 1994, none of the eligible school districts had exercised this option.

Nevada school district boards of trustees carry out a number of policy roles. Major policy functions established within law include:

- Establishing district policies and procedures;[45]
- Enforcing courses of study prescribed by statute and administering the state system of public instruction;[46]
- Approving curriculum;[47]
- Providing oversight of the school district's funds and budget;[48]
- Promoting the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable;[49]
- Enforcing statewide testing programs;[50]
- Employing the school district superintendent and other personnel;[51]
- Managing school property and equipment;[52]
- Financing the capital construction and renovation of schools within the district, including the authority to issue general obligation bonds for such purposes;[53] and
- Enforcing the use of textbooks selected by the SBOE.[54]

In addition, larger school districts must follow specific procedures for adopting and amending certain regulations. Clark and Washoe County School Boards are required to give at least 15 days advance notice to certain individuals and make the text of proposed changes available for public review.[55]

All school boards are specifically given the power to sue or be sued. A school board also may establish programs of school-based decision making; alternative education for at-risk students; and programs for persons housed in correctional facilities (with the consent of the juvenile court and county commissioners). Boards are specifically empowered to accept federal assistance; accept gifts; form a statewide association with all other school districts to regulate interscholastic athletic and other events; employ private counsel; and administer nutrition programs for children and adults.[56]

School Districts

There are 17 school districts within Nevada, each with its own board of trustees and district superintendent.[57] The relationship between the county school districts and their respective boards is similar to that which exists between the State Department of Education and the State Board of Education. The school district serves as the administrative arm of its district board of trustees. The boards maintain (primarily) a policy role, and the respective school district offices bear the responsibility for carrying out the provisions of state statutes; implementing school board policies; providing for maintenance, utilities, and other services; and operating various federal and state educational programs.

The school district's chief executive officer is the District Superintendent. The superintendent's duties include recommending and implementing school board policy, supervising certain aspects of K-12 education in Nevada, maintaining licensure information concerning teachers and other professional employees, and directing school district office activities.[58] In addition, district superintendents along with teachers, principals, and board of trustee members are granted police powers to protect children in, and traveling to or from, school; this authority may also be used to maintain order in and around schools and at school events.[59]

The school district, as an agency, fulfills three major policy roles, including:

- Implementing policies established by state and local boards;
- Managing district operational functions; and
- Providing support services and technical assistance to individual schools.

Public Schools

The student attending class at the individual school site is the focus of the structure and function of Nevada's system of public education. While others at various levels share responsibility for formulating and implementing policy decisions, implementation of curriculum-related policies (and other types of policies as well) rests ultimately with a teacher in the individual classroom.

For the 1993-1994 school year (SY), there were 395 schools in Nevada serving a total of 235,800 pupils. Typically, each school site is managed by a principal who is responsible for implementing the specific policies established at the state and local district level. The principal's major policy functions are to:

- Implement specific state and local policies;
- Provide for the health and safety of pupils and school personnel; and
- Ensure that the process of pupil instruction is carried out.

Specifically, principals must verify testing procedures for the statewide proficiency examination[60] and enforce emergency and safety procedures as set forth by the local fire department or the State Fire Marshal.[61] In addition, principals may select supplemental textbooks for the school;[62] are granted authority (jointly with the teacher) of retaining a pupil in the same grade;[63] and are given the authority to suspend or expel pupils for possession of dangerous weapons or controlled substances.[64] In addition, school districts allow principals varying amounts of authority and participation in the hiring and firing of school personnel. This level of participation varies from district to district.

GOVERNANCE ISSUES

During the 1980s, state leadership in school reform became dominant. Even in the 1990s, with federal initiatives such as Goals 2000 and the national standards movement, state governments play a central role in implementation, oversight, and support of education programs. States occupy a key position for policy intervention since they can influence all components of the educational system, including leadership and support for local school reform efforts.[65] There are several recent trends in school governance that have had an impact upon the states. In addition, a number of reform initiatives have addressed governance either directly or indirectly.

Issues and Trends in Governance

In spite of dramatic changes in the states' role in school reform efforts over the past decade or so, the dominant governance structure of state education that was established early in the 20th century--a State Board of Education, a Chief State School Officer, and agency support staff--continues to predominate. The few structural changes that have been adopted by states tend to centralize authority in the governor's office.[66] In addition, new actors have appeared in the policy arena. No longer are school reform initiatives left solely to educators. Key political, civic, and business leaders now play significant roles in the development of state education policy development. Private sector involvement is viewed with apprehension by many educators, but since less than 20 percent of American households have school-age children, many observers assert that education reform efforts are not likely to proceed without the support of the business community.[67]

Although state governance structures continue to be quite similar, there is a wide variance in the details concerning various structural elements--the qualifications, selection procedures, and terms of office for the chief state school officer and the members of the board of education vary from state to state. The amount of policy authority delegated by the legislature also differs among the states, as does the number and type of legislative committees that address education concerns. According to a recent report by the Education Commission of the States, no two states are exactly alike in education governance structure when all these variables are reviewed.[68]

Policy Issues

The optimal structure of education governance depends upon each state's political philosophy and education goals and priorities. Over the past decades of educational reform, differing views on the purposes of education and the state's role in education policy have emerged. Discussions have recently focused on a number of goals for schools--their role as catalysts to resolve social and health-related problems; their responsiveness to parental and business expectations; and their fiscal and academic accountability. Alternative views of the state's role in achieving its purposes for education are not always compatible with one another, even when articulated within the same state. It does not appear that any one design for education governance is likely to achieve all the desirable objectives for education.

Among the structural governance issues and options facing the states are the following[69]:

- **Traditional Structure**--States that value the separation of educational policy from partisan politics typically keep or implement a system with a strong policy-making state board of education that appoints its chief state school officer. However, removal of the key policymakers from the political arena may distance the system from needed fiscal and policy support from the state's governor and the legislative branch.

- **Centralization within Governor's Office**--If the state's most important goal is coordination of education reform efforts and the efficient implementation of those decisions, a centralized system within the governor's office might be preferred. Such a system does, however, reduce the representation of the state's citizenry in education policy deliberations.

- **Consolidation of Youth Services**--A system that coordinates services for children and their families through one agency might be preferred if policymakers select coherent policies for children as the state's primary goal. A number of states that have tried this approach have had problems overcoming agency autonomy patterns. In addition, a major tradeoff concerns the perception that the importance

of education as a separate issue will be lost if education is combined with other services within the state's bureaucratic structure.

- **Citizen Representation**--A structure that includes lay representation might be adopted if the state's priority is to ensure citizen representation and thus avoid concentrating authority in a few hands. Under such a system, both the state board of education and the chief state school officer are elected, rather than appointed. Disadvantages include possible politicizing of the education decision making process. Political parities and special interest groups may try to influence the candidates and campaigns.[70]

There are tradeoffs in any effort to design an efficient education system that includes clear lines of authority while providing adequate checks and balances for the control of the state's education policy. The process of setting the policy agenda and the governance structure that best reflects that agenda is not an easy one. Various tensions, such as centralization of authority versus decentralization, and political versus professional control, influence the process and ultimately the educational priorities that a state seeks to establish.

Other tensions involve the debate over the state legislature's lawmaking authority and the governor's executive powers displacing the policy-making authority traditionally held by the state board. In recent years, governors and legislatures have become increasingly assertive in formulating specific school reform agendas. In light of this trend, policy roles of the legislatures and state boards may warrant reconsideration. Another emerging issue concerns the state boards' central authority to shape policy among the local school districts--both the level of that authority and its form (mandates versus incentives).

While most of these forces operate within the policy structure, other factors, such as national reform movements, influence governance structures from the outside.

Reform Issues Affecting Governance

The movement to restructure this country's system of public education has also started a shift in thinking about how schools are to be governed. Many reformers advocate a more decentralized system. This school of thought requires that schools and teachers, rather than a central district office or local education agency, have more control over decision making affecting their school. It also involves giving schools rewards for good results and sanctions for poor results. Advocates of this idea assert that students will learn better when schools are run better and that administrators, parents, and teachers at the schools know best how to meet the needs of their own students.

Giving the decision making authority to schools allows states to hold them accountable for the results. School-based management, charter schools, and school choice are examples of some of the changes being made in the way schools are run.

School-Based Management

Beginning in the 1980s, many states and school districts began to use decentralized decision making structures, known as "school-based" or "site-based" management. Site-based management is an approach to educational reform that allows an individual school to make its own decisions concerning curriculum, discipline policies, finances, and goals. A school council, which typically consists of the principal, parents, teachers, and other community members, sets the policy direction for the school. The purpose of the program is to provide more flexibility in the operation of public schools and increase the accountability of educational personnel.

Proponents of this approach argue that by increasing parental involvement and shifting policy decisions to the individual building level, schools will be encouraged to evaluate innovative educational techniques and will direct resources in an efficient manner to address the particular needs of the facility. Advocates of this approach assert that site-based management gives needed flexibility to those closest to the students, allowing them to design the most appropriate education. It has also been suggested that making decisions at the local level creates a greater sense of "ownership" and responsibility within a community, providing another avenue of accountability.

Policy Issues

One of the challenges associated with this approach is finding individuals with the interest, time, and expertise to make wise decisions. Opponents also note that this type of group decision making can often be frustrating to all the parties involved, and sometimes operates at a slower pace than current systems. Involving teachers in the site-based process also takes time away from teaching duties and may require additional training.

Charter Schools

In an attempt to facilitate change in school management, several state legislatures have created what are known as "charter schools." Charter schools allow teachers to sign a charter with their district or other policy-making authority to create their own schools. These schools generally receive waivers from most state regulations and so are free to be more innovative. In exchange for this flexibility, they must be able to demonstrate specific student achievement. Charter schools often emphasize some particular learning style or subject specialty, such as a vocational high school or Minnesota's School for the Deaf.

Minnesota was the first state to pass a charter school law (1991), and California followed in 1992. As a part of its school reform bill, Missouri passed a charter school pilot project involving three schools. Since the legislation is so recent, very few charter schools are actually operating yet.[71] By the end of 1994, 11 states had enacted charter school legislation. These acts varied significantly in terms of the number of schools involved, the requirements for starting such schools, and in funding and transportation issues.

STATES WITH CHARTER SCHOOL LAWS - 1994		
Arizona	Hawaii	Missouri
California	Kansas	New Mexico
Colorado	Massachusetts	Wisconsin
Georgia	Michigan	

States considering charter schools in 1995 are likely to be influenced by a recent Michigan court decision ruling that state's charter schools unconstitutional. The court found that, as defined in the legislation, Michigan's charter schools are not really public schools and are not allowed to receive public money. A 1994 survey by the National Conference of State Legislatures (NCSL) indicated that an additional 10 states would be examining charter school legislation.[72]

Minnesota Program

The Minnesota program has been in place for the longest period of time. This program limits the number of charter schools to eight statewide. These facilities are not organized by state or local school boards but by individuals or groups. Under Minnesota law, a school board may sponsor one or more licensed teachers to operate a charter school. It can be proposed as a new school, an existing school converted to a charter school, or a charter school within an existing school.

A letter of intent is generated by the teachers to the prospective sponsor and must include a program description addressing one or more of the six purposes described in the charter school law: (1) improve individual learning; (2) increase learning opportunities for students; (3) use different and innovative teaching methods; (4) create different and innovative forms of measuring learning outcomes; (5) establish new forms of accountability for schools; and (6) create professional opportunities for teachers. The letter must also include accountability provisions, a plan for administering the school, target student population, and fiscal and other policies and procedures.

Under the Minnesota model, charter schools are legal entities, organized as either cooperative or nonprofit corporations. Such schools are not restrained by statutes and rules that govern school boards and school districts; they need only comply with those rules that apply specifically to them. Failure to meet achievement goals, or any other violation of the law, results in termination of the contract. Charters must be renewed after their initial terms (up to 3 years) are over. The Minnesota law specifies governance by a board of directors elected by the parents of students in the school and school officials. Transportation to and from the charter school is provided by the local school district for students residing within its borders; for students who live outside the district, transportation is provided to and from the district's border to the charter school.

Policy Issues

The national debate about charter schools centers around the issue of equity. Concerns have been raised about possible restrictive entrance requirements; access and transportation; and the potential fiscal impact upon the traditional public school systems.

School Choice

In brief, school choice systems allow parents to choose which schools their children will attend. Although it is a controversial aspect of school reform discussions, many advocates assert that school choice will lead to improved student achievement, increased parental involvement, and greater accountability at the individual school site. The concept of choice is based upon the economic market model: if you give parents educational options, schools that perform poorly will improve or close, thereby forcing schools to be more responsive to student needs. Those who advocate this approach believe that choice, along with flexibility in how schools are run, will result in better schools.

Opponents believe that the choice movement will weaken public schools. They fear that the most advantaged students (and the state money that follows them) will transfer out of poor and urban schools, preventing those schools from providing an adequate education for those remaining.

Some school choice programs would create vouchers or tax credits for parents who choose to send their children to private schools. Voucher systems remain quite controversial--over the past 2 years, voters in California, Colorado, Michigan, Oregon, and Washington, D.C. have rejected voucher initiatives. Puerto Rico's system was recently declared to be unconstitutional.

In NCSL's 1994 survey, six states indicated that they would consider a voucher program during their 1995 Legislative Session. These states include: Illinois, Kansas, New York, Ohio, South Dakota, and Wisconsin.

Policy Issues

There are a number of policy considerations associated with choice programs. Those that are raised consistently include:

- **Accountability Issues**, since such systems generally require that an accountability component be built into the process to allow evaluation of the effectiveness of a particular school;

- **Equity Issues** also exist. Regulators may need to focus additional resources upon examining and monitoring retention and placement procedures to avoid situations in which talented students are "creamed off" into "better" schools;

- **Resource Allocation Matters**, including transportation decisions, capital construction priorities, effect upon school bond votes; and

- **Social/Economic Issues** including parental involvement, limited English-proficient students, the validity of informed choice among low-income parents, especially those with limited reading skills or who have difficulty communicating in English.

CONCLUSION

The overall structure of Nevada's system of education governance is like that of eight other states. The basic policy structure of that system also follows fairly traditional lines, with Nevada being one of the more decentralized in terms of regulatory authority. As noted previously, there are many other groups not referenced in state law that are involved in shaping education policy: pupils and their parents, various businesses, the PTA and other parent coalitions, the Nevada Association of School Boards, the Nevada Association of School Administrators, and the NSEA, among others.

Education governance is likely to remain a central concern in state legislatures since structural arrangements have a direct influence upon how education policies and priorities are developed. The interactions among governors, chief state school officers,

state boards of education, and legislatures are receiving increasing attention from those involved in shaping education policy. These structural concerns are important insofar as they advance a state's priorities and goals; however, the biggest challenge facing state policymakers lies with defining these priorities and reaching consensus.

ENDNOTES

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12. NRS 385.050.
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14. NRS 385.150.
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16. NRS 391.320.
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18. NRS 385.080.
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20. NRS 388.330.
21. NRS 385.175.
22. NRS 392.070.
23. NRS 385.091, 385.110, and 385.102, *et seq.*
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26. *Nevada Constitution*, Article 11, Section 1.
27. NRS 385.150.

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30. NRS 385.175, Subsection 1.

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32. NRS 385.175, Subsection 4.

33. NRS 251.040, Subsection 2, 385.200, and 385.347, Subsection 3.

34. NRS 387.185, Subsection 2 and *Nevada Constitution*, Article 11, Section 2; authority for the Superintendent to apportion the State Distributive School Account among the school districts may be found in NRS 387.124 and 387.185, Subsection 1.

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54. NRS 390.220.

55. NRS 386.365.

56. NRS 386.010; 386.4154, *et seq.*; 388.537; 388.550, *et seq.*; 386.355; 386.390; 386.420, *et seq.*; 386.410; and 386.415.

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59. NRS 281.0319.

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APPENDIX A

Education Governance Structures in the 50 States

Education Governance Structures in the 50 States

States That Conform to a Basic Model

MODEL ONE (10 states)	MODEL TWO (9 states)	MODEL THREE (11 states)	MODEL FOUR (7 states)
Alaska	Alabama	Arizona	Iowa
Arkansas	Colorado	California	Maine
Connecticut	Hawaii	Georgia	Minnesota
Delaware	Kansas	Idaho	New Jersey
Illinois	Michigan	Indiana	Pennsylvania
Maryland	Nebraska	Montana	South Dakota
Missouri	Nevada	North Carolina	Tennessee
Rhode Island	Ohio	North Dakota	
Vermont	Utah	Oklahoma	
West Virginia		Oregon	
		Wyoming	

States That Do Not Conform to a Basic Model

Florida--The SBE consists of 7 elected cabinet members: the governor, secretary of state, attorney general, comptroller, treasurer, commissioner of agriculture and commissioner of education (CSSO).

Kentucky--The governor appoints SBE members, and the SBE appoints the CSSO. The governor also appoints the secretary of education, arts and the humanities, who is a cabinet member.

Louisiana--Eight SBE members are elected, and the governor appoints 3 members. The SBE appoints the CSSO.

Massachusetts--The governor appoints SBE members, and the SBE appoints the CSSO. The governor also appoints the secretary of education, who is a cabinet member.

Mississippi--The governor appoints 5 SBE members, while the lieutenant governor and the speaker of the house each appoint 2 members. The SBE appoints the CSSO.

New Hampshire--The governor and the Council (an advisory council composed of 5 elected members) appoint SBE members, and the SBE appoints the CSSO.

New Mexico--Ten SBE members are elected, and the governor appoints 5 SBE members. The SBE appoints the CSSO.

New York--The state legislature elects SBE members, and the SBE appoints the CSSO.

South Carolina--Legislative delegations elect 16 SBE members, and the governor appoints 1 SBE member. The CSSO is elected.

Texas--The SBE is elected, and the governor appoints the CSSO.

Virginia--The governor appoints SBE members and the CSSO. The governor appoints the secretary of education, who is a cabinet member.

Washington--Local school boards elect SBE members, and the CSSO is elected by the citizenry.

Wisconsin--There is no SBE, and the CSSO is elected.

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